

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

SHELDON GORDON, <i>et al.</i> ,	:	Case No. 1:05cv2726
	:	
Plaintiffs,	:	JUDGE KATHLEEN O'MALLEY
	:	
v.	:	
	:	<u>ORDER</u>
DAVID DADANTE, <i>et al.</i> ,	:	
	:	
Defendants.	:	

With leave of Court, Plaintiffs filed their *First Amended Complaint* on April 5, 2006 (Doc. 71). Accordingly, in so far as they relate only to the original Complaint (Doc. 1), Defendant Dadante's *Motion to Dismiss* (Doc. 18) and *Motion for Summary Judgment* (Doc. 23) are DENIED as moot; and Defendant Pershing LLC's *Motion to Dismiss* (Doc. 47) is DENIED as moot. If appropriate, these motions may be re-filed. Parties shall not, however, simply re-file these motions without first verifying – and, to the extent necessary, revising – that previously asserted arguments remain relevant *vis-a-vis* the *First Amended Complaint*.

In light of the Court's various Orders and interactions with the stakeholder defendants, Defendant Ferris, Baker Watts, Inc.'s *Motion to Modify Order Dated November 23, 2005* (Doc. 10) is DENIED as moot.

IT IS SO ORDERED.

s/Kathleen M. O'Malley
KATHLEEN McDONALD O'MALLEY
UNITED STATES DISTRICT JUDGE

Dated: April 18, 2006